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Docket No.: PA-0039 US

"Express Mail" mailing label number EL 856156 615 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Arlington, V.A. 22202 on December 5, 2001  
By: Junior Martine  
Printed: Junior Martine

Commissioner for Patents  
Box Patent Application  
P.O. 2327  
Arlington, VA 22202

Transmitted herewith for filing is the patent application of:

Inventors: Mary J. Cunningham, Matthew R. Kaser  
Title: MARKER GENES RESPONDING TO TREATMENT WITH TOXINS

Enclosed are:

1. Return postcard;
2. Application Transmittal Sheet (in duplicate, 1 page);
3. Submission under 37 CFR § 1.821-1.825 Sequence Listing Statement (2 pp.) with three (3) Computer-Readable Diskette attached;
4. 38 Pages of Specification (1-38);
5. 2 Pages of Claims (39-40);
6. 1 Page of Abstract (41);
7. 22 Pages of Tables (Tables 1, 2, 3);
8. 3 Pages Unexecuted Declaration (1-3).

Under 35 USC §119(e), this application claims the benefit of prior U.S. Provisional Applications:

| <u>U.S. Ser. No.</u> | <u>Filing Date</u> | <u>Status</u>  |
|----------------------|--------------------|--|
| 60/251,986           | December 5, 2001   | <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned |

Fee Calculation - The fee has been calculated as follows:

**CLAIMS AS FILED** (fees computed under § 1.16)

| Claims                                     | Number Filed | Minus | Number Extra | Other Than Small Entity Rate | Basic Fee |
|--|--------------|-------|--------------|------------------------------|-----------|
| Total Claims                               | 20           | -20   | 0            | x \$18                       | \$740.00  |
| Indep. Claims                              | 3            | -3    | 0            | x \$84                       | \$0       |
| <u>Multiple Dependent Claim(s), if any</u> |              |       |              | + \$280                      | \$0       |

**TOTAL FILING FEE      \$ 740.00**

The Commissioner is hereby authorized to charge Deposit Account No. **09-0108** in the amount of **\$740.00**. The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to Deposit Account No. **09-0108**. A duplicate of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

*Lynn E. Murry*  
Lynn E. Murry, Ph.D.

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3 CD ROMS  
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By: Junior Martinez Printed: Junior Martinez

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mary J. Cunningham, Matthew R. Kaser

Title: MARKER GENES RESPONDING TO TREATMENT WITH TOXINS

Serial No.: To Be Assigned Filed: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

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Commissioner for Patents  
Box Sequence  
P.O. Box 2327  
Arlington, V.A. 22202

### SUBMISSION UNDER 37 CFR §1.821- 1.825 SEQUENCE LISTING

Sir:

1. In accordance with the requirements of 37 CFR §1.821- 1.825, and by waiver of 37 CFR § 1.2 and in compliance with new rule 37 CFR §1.52(e), Applicants hereby submit (in duplicate) two (2) identical Compact Disk-Recordable (CD-R) discs, each containing the Sequence Listing for the above-identified application. The following files are contained on the compact discs:

| <u>File name</u>   | <u>Size (Kbytes)</u> | <u>Creation Date</u> | <u>Identifying Information</u> |
|--------------------|----------------------|----------------------|--------------------------------|
| e.g. pa00039sl.txt | 685 KB               | December 5, 2001     | Sequence Listing               |

These CD-Rs are provided in compliance with 37 CFR §1.821 *et seq.* and as permitted by 37 CFR §1.52(e). Each file recorded on the CD-R is formatted in plain ASCII text, Sequence Listing to be viewed on an IBM Compatible desktop computer. The files are readable using any standard word processing (Sequence Listing) (e.g., MS Word '97 or MS-Wordpad for the Sequence Listing).

2. Additionally, Applicants herein submit one (1) CD-R containing the computer readable form (the CRF) of the Sequence Listing of the above-identified application, in accordance with 37 CFR §1.821(e) and as specified by 37 CFR §1.824(a)(2).

| <u>File name</u>   | <u>Size (Kbytes)</u> | <u>Creation Date</u> | <u>Identifying Information</u> |
|--------------------|----------------------|----------------------|--------------------------------|
| e.g. pa00039sl.txt | 685 KB               | December 5, 2001     | SEQ ID NO:1-514.               |

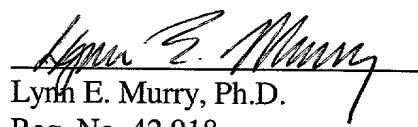
3. The content of the Sequence Listing recorded on the two (2) CD-Rs, referred to in paragraph 1. above, is identical to the Sequence Listing presented in the CRF, referred to in paragraph 2. above, as

required under 37 CFR §1.821(f).

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 5 December 2001

  
\_\_\_\_\_  
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